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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,675	09/10/2003	Scott Sutherland	109136.125US1	2225

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,675

Applicant(s)

SUTHERLAND, SCOTT

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "add-on parts" in claim 15 is a relative term which renders the claim indefinite. The term "add-on parts" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claim does not indicate what the add-on parts would be. The specification does not provide a clear description of what is meant by add-on parts. The specification states that "reflectors or other add-on components" can be fixed to the bumper. What are the other add-on components? Is the reflector the add-on component? If so, is it the only add on component?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8, 11, 12, 16, 18, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen et al. (US 2002/0074764, filed on May 18, 2001).

Regarding claim 1, Allen et al. disclose a bicycle trailer with a chassis formed of at least one frame part (18), the bicycle trailer comprising: at least one bumper (120) which is positioned on the outside of said at least one frame part (18) of the chassis and projects past the outside of said at least one frame part (18) at least on a front end of the chassis (see Fig. 1).

Regarding claim 2, Allen et al. disclose the bicycle trailer according to claim 1, wherein said at least one bumper (120) has a greater outer diameter dimension than said at least one frame part (18) (the bumper must have a greater outer diameter than the frame because the bumper surrounds the frame part as seen in Fig. 1 and Fig. 15).

Regarding claim 3, Allen et al. disclose the bicycle trailer according to claim 1, wherein said at least one bumper (120) projects past at least one of an edge (Fig. 1) and an end of said at least one frame part (18).

Regarding claims 4, 5 and 6, Allen et al. disclose the bicycle trailer according to claims 1, 2 and 3, wherein said at least one bumper (120) extends sideways past the chassis (Fig. 1) far

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enough to at least partially cover one of a front space (Fig. 1) and a rear space between a wheel and the chassis.

Regarding claim 7, Allen et al. disclose the bicycle trailer according claim 1, wherein said at least one bumper (120) is hollow (see Fig. 15).

Regarding claim 8, Allen et al. disclose the bicycle trailer according claim 7, wherein said at least one bumper is formed as a tube. A tube is defined as “A hollow cylinder, especially one that conveys a fluid or functions as a passage.¹” The bumper of Allen et al. includes a hollow cylinder (124 and 126) which act as passages (for frame 18 and tow bar 16), therefore the bumper is formed as a tube.

Regarding claim 11, Allen et al. disclose the bicycle trailer according to claim 1, wherein said at least one bumper (120) is positioned in a front area (Fig. 1) of the chassis and said at least one bumper (120) is formed to hold a drawbar (16) for the bicycle trailer.

Regarding claim 12, Allen et al. disclose the bicycle trailer according to claim 11, wherein the drawbar (16) is detachably connected (via 128, 130 and 132) to said at least one bumper (120).

Regarding claim 16, Allen et al. disclose the bicycle trailer according to claim 1, wherein said at least one bumper (120) comprises a plurality of bumpers (120) positioned for protecting one of a front comer (50), a rear comer, and both a front and rear corner of said at least one frame part (18).

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Regarding claim 18, Allen et al. disclose the bicycle trailer according to claim 1, wherein said at least one bumper (120) is positioned at about the height of a wheel hub (92) of the bicycle trailer (10).

Regarding claim 19, Allen et al. disclose a bicycle trailer comprising: a chassis (18) having at least one frame part (18), and at least one bumper (120) positioned on the outside of said at least one frame part (18) of the chassis, said at least one bumper (120) projecting past the outside (Fig. 1) of said at least one frame part (18) at least on a front end of the chassis.

Regarding claim 21, Allen et al. disclose the bicycle trailer of claim 1, wherein the at least one bumper (120) further projects past the outside of the frame on each side of the chassis ahead of any wheels on the chassis.

7. Claims 1, 3, 4, 6, 7, 8, 10-12, 16, 18 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiu (US Patent 6,053,518).

Regarding claim 1, Chiu discloses a bicycle trailer with a chassis formed of at least one frame part (202), the bicycle trailer comprising: at least one bumper (20 in Fig. 4) which is positioned on the outside of said at least one frame part (21,201,202) of the chassis and projects past the outside of said at least one frame part (202) at least on a front end of the chassis (see Fig. 4).

Regarding claim 3, Chiu discloses the bicycle trailer according to claim 1, wherein said at least one bumper (20) projects past at least one of an edge (Fig. 4) and an end of said at least one frame part (202).

Regarding claims 4 and 6, Chiu discloses the bicycle trailer according to claims 1 and 3, wherein said at least one bumper (20) extends sideways past the chassis (Fig. 1) far enough to at

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least partially cover one of a front space (23) and a rear space between a wheel (40) and the chassis (21).

Regarding claim 7, Chiu discloses the bicycle trailer according claim 1, wherein said at least one bumper (20) is hollow (see Fig. 15).

Regarding claim 8, Chiu discloses the bicycle trailer according claim 7, wherein said at least one bumper is formed as a tube.

Regarding claim 10, Chiu discloses the bicycle ' trailer according to claim 1, wherein said at least one bumper (20) takes on a weight-bearing function of the chassis (since the bumper 20 extends outside of frame part 21 along the entire length of the trailer, it is inherent that it takes on a weight bearing function).

Regarding claim 11, Chiu discloses the bicycle trailer according to claim 1, wherein said at least one bumper (20) is positioned in a front area (Fig. 4) of the chassis and said at least one bumper (20) is formed to hold (via 24) a drawbar (30) for the bicycle trailer.

Regarding claim 12, Chiu discloses the bicycle trailer according to claim 11, wherein the drawbar (30) is detachably connected (via 24) to said at least one bumper (20).

Regarding claim 16, Chiu discloses the bicycle trailer according to claim 1, wherein said at least one bumper (20) comprises a plurality of bumpers (20) positioned for protecting one of a front corner, a rear corner, and both a front and rear corner (Fig. 4) of said at least one frame part (201,21).

Regarding claim 18, Chiu discloses the bicycle trailer according to claim 1, wherein said at least one bumper (20) is positioned at about the height of a wheel hub (Fig. 6) of the bicycle trailer.

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Regarding claim 19, Chiu disclose a bicycle trailer comprising: a chassis having at least one frame part (21,201,202), and at least one bumper (20) positioned on the outside of said at least one frame part (21) of the chassis, said at least one bumper (20) projecting past the outside (Fig. 4) of said at least one frame part (21) at least on a front end of the chassis.

Regarding claim 20, Chiu discloses the bicycle trailer of claim 1, wherein the at least one bumper (20) extends from a front end of the chassis around to a side of the chassis ahead of a wheel on the chassis.

Regarding claim 21, Chiu discloses the bicycle trailer of claim 1, wherein the at least one bumper (20) further projects past the outside of the frame on each side of the chassis ahead of any wheels on the chassis.

Regarding claim 22, Chiu discloses the bicycle trailer of claim 1, wherein the at least one bumper (20) further extends from a rear end of the chassis.

8. Claims 1-10, 16, 17 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Koch (US Patent 6,585,285).

Regarding claims 1 and 19, Koch discloses a bicycle trailer with a chassis formed of at least one frame part (18), the bicycle trailer comprising: at least one bumper (30) which is positioned on the outside of said at least one frame part (18) of the chassis and projects past the outside of said at least one frame part (18) at least on a front end of the chassis (see Fig. 1).

Regarding claim 2, Koch discloses the bicycle trailer according to claim 1, wherein said at least one bumper (30) has a greater outer diameter dimension than said at least one frame part (18) (the bumper must have a greater outer diameter than the frame because the bumper surrounds the frame part as seen in Fig. 2).

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Regarding claim 3, Koch discloses the bicycle trailer according to claim 1, wherein said at least one bumper (30) projects past at least one of an edge (Fig. 1) and an end of said at least one frame part (18).

Regarding claims 4, 5 and 6, Koch discloses the bicycle trailer according to claims 1, 2 and 3, wherein said at least one bumper (30) extends sideways past the chassis (Fig. 1) far enough to at least partially cover one of a front space (Fig. 1) and a rear space between a wheel and the chassis.

Regarding claim 7, Koch discloses the bicycle trailer according claim 1, wherein said at least one bumper (30) is hollow (see Fig. 2).

Regarding claim 8, Koch discloses the bicycle trailer according claim 7, wherein said at least one bumper is formed as a tube.

Regarding claim 9, Koch discloses the bicycle trailer according to claim 8, wherein at least one of the ends of said at least one bumper (30) is capped with a plug (91).

Regarding claim 10, Koch discloses the bicycle trailer according to claim 1, wherein said at least one bumper (30) takes on a weight-bearing function (91) of the chassis.

Regarding claim 16, Koch discloses the bicycle trailer according to claim 1, wherein said at least one bumper (30) comprises a plurality of bumpers (30,40) positioned for protecting one of a front corner (30), a rear corner (40), and both a front and rear corner of said at least one frame part (18).

Regarding claim 17, Koch discloses the bicycle trailer according to claim 1, wherein at least one bumper (30) is connected to said at least one frame part by a detachable connection (32).

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Regarding claim 20, Koch discloses the bicycle trailer of claim 1, wherein the at least one bumper (30) extends from a front end of the chassis around to a side of the chassis ahead of a wheel (103) on the chassis.

Regarding claim 21, Koch discloses the bicycle trailer of claim 1, wherein the at least one bumper (30) further projects past the outside of the frame on each side of the chassis ahead of any wheels on the chassis.

Regarding claim 22, Koch discloses the bicycle trailer of claim 1, wherein the at least one bumper (40) further extends from a rear end of the chassis.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 9, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al.

Regarding claim 9, Allen et al. do not disclose that one of the ends includes a plug. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a plug at the rear end of passage 126. The motivation would have been to provide an easy method of aligning the holes so that pin 128 could be inserted to lock the tow bar into the bumper.

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Regarding claim 15, Allen et al. disclose the bicycle trailer of claim 1. Allen et al. do not disclose that the bumper includes add-on parts. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to include reflector strips on the bumper. The motivation would have been to make the trailer visible when the bicycle trailer was being used at night.

11. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch in view of Brown (US Patent 4,674,933).

Koch discloses the trailer of claims 1 and 7.

Koch does not disclose that the bumper is that the bumper includes a storage area (claims 13 and 14).

Brown discloses a bumper which is formed as a hollow tube which includes a plug on one end (57) in which the plug (57) acts as a storage compartment for tools.

Koch and Brown are analogous art because they are from a similar field of endeavor, i.e., bumpers which are used for additional purposes.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to make the bumper a tubular member which was hollow and included a plug and a storage compartment.

The motivation would have been to have a bumper which provided protection for the trailer and also allowed tools to be stored so that any tools required to work on a bike mounted on mount 91 would be readily available.

Therefore, it would have been obvious to combine Brown with Koch to obtain the invention as specified in claims 13 and 14.

Response to Arguments

12. Applicant's arguments filed January 19, 2005 have been fully considered but they are not persuasive. The Applicant argues that Allen et al. do not disclose that the bumper is on a front end of the chassis. The Examiner disagrees, the front end of the chassis would be anything in front of the half way point of the chassis. Applicant argues that Chiu fails to disclose a bumper that projects past the frame. A bumper is defined as "A protective device for absorbing shocks or impeding contact."² The outer portion of Chiu protects the trailer from impending contact and is therefore considered a bumper.

13. Applicant's arguments with respect to claims 7-9, 13 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:30. After April 5, 2005 the Examiner can be reached at 571-272-6660.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

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March 4, 2005